

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jerry S. Powell  
Serial No. : Not Yet Assigned  
Filed : Concurrently Herewith  
Title : HUMAN ERYTHROPOIETIN GENE: HIGH LEVEL EXPRESSION IN STABLY TRANSFECTED MAMMALIAN CELLS  
Attorney Docket No.: 500582.12  
Group Art Unit : Not Yet Assigned  
Examiner : Not Yet Assigned

DECLARATION VERIFYING SEQUENCE LISTING

Box Patent Application  
Commissioner of Patents  
Washington, D.C. 20231

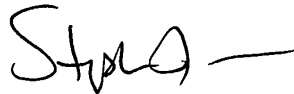
Sir:

I, Stephanie Jansen, in accordance with 37 C.F.R. § 1.821(f) do hereby declare that, to the best of my knowledge, the content of the paper entitled "Sequence Listing" and the computer readable copy contained within the floppy disk are the same.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 10th day of October, 2001.

Respectfully submitted,  
DORSEY & WHITNEY LLP



Stephanie Jansen  
Legal Assistant to Mark W. Roberts, Ph.D.  
Registration No. 46,160

Enclosures:

Postcard  
Sequence Listing on Paper  
Sequence Listing on Diskette

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\\sefile05\\files2\\ip\\documents\\clients\\elanex\\500582.12\\500582.12 declaration verifying sequence listing.doc

**COMBINED DECLARATION AND POWER OF ATTORNEY  
IN PATENT APPLICATION**

Attorney Docket No. ELAN-1-2885

As a below named inventor, I hereby declare that:

my residence, post office address and citizenship are as stated below next to my name;

I believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of the subject matter that is claimed and for which patent is sought on the invention entitled: HUMAN ERYTHROPOIETIN GENE: HIGH LEVEL  
EXPRESSION IN STABLY TRANSFECTED MAMMALIAN CELLS  
the specification of which

(check one) X is attached hereto.

\_\_\_\_\_ was filed on \_\_\_\_\_ as

Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below, any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):			Priority Claimed	
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Serial No.)	(Filing Date)	(Status: patented; pending; abandoned)
(Serial No.)	(Filing Date)	(Status: patented; pending; abandoned)
(Serial No.)	(Filing Date)	(Status: patented; pending; abandoned)

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith: Bruce E. O'Connor, Reg. No. 24,849; Lee E. Johnson, Reg. No. 22,946; Gary S. Kindness, Reg. No. 22,178; James W. Anable, Reg. No. 26,827; James R. Uhlir, Reg. No. 25,096; Jerald E. Nagae, Reg. No. 29,418; Thomas F. Broderick, Reg. No. 31,332; and the firm of Christensen, O'Connor, Johnson & Kindness. Address all telephone calls to Thomas F. Broderick at telephone No. (206) 441-8780.

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I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Inventor's Signature	Date

"Express Mail" mailing label number 66760901  
Date of Deposit 6/27/86

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Nancy Meehan  
(Typed or printed name of person mailing paper or fee)  
Nancy Meehan  
(Signature of person mailing paper or fee)